

REMARKS

As set forth above, claims 12 and 18 have been amended. Claim 13 has been cancelled. Claims 1-12 and 14-18 are pending. The Office has rejected the claims as follows: claims 1-7 and 12-18 are rejected under 102(e) in view of Eerola; claims 8-9 and 11 are rejected under 103(a) in view of Eerola and Robertson; claim 10 is rejected under 103(a) in view of Eerola, Robertson and Wells et al. The undersigned respectfully submits that in view of the amendments above and arguments presented herein, the claims are allowable over the art cited.

Rejection of claims 1-7 and 12-18 as being anticipated by Eerola

Independent claim 1 is set forth below as originally presented:

1. (Originally Presented) A mobile commerce system comprising:
 - at least one mobile device for transmitting and receiving data in a first language;
 - a platform for transmitting and receiving data in a first language and data in a second language;
 - at least one merchant site for transmitting and receiving data in the second language; and
 - a payment authorization system for transmitting and receiving data in the second language.

In order to maintain an anticipatory rejection under 35 USC 102(e), each and every limitation of the claim must be disclosed in the prior art. See MPEP § 2131 and *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The undersigned has reviewed Eerola carefully and finds no disclosure of "a payment authorization system for transmitting and receiving data in the second language." Further, the Office admits on

Page 4 of the Office Action that Eerola does not teach a payment authorization system. See 103(a) Rejection. Accordingly, Eerola does not anticipate each limitation as required by 102(e) and the undersigned respectfully requests that claims 1-7 are allowable over the cited prior art.

Independent claims 12 and 18 have been amended to include the limitations corresponding to cancelled claim 13 --- literally (claim 12) and in "means for" language (claim 18). As discussed above and as admitted by the Office, Eerola does not describe, *inter alia*, a payment authorization system or processes for interacting with the such a system. Accordingly, Eerola does not anticipate each limitation as required by 102(e) and the undersigned respectfully requests that claims 12 and 14-18 are allowable over the cited prior art.

Rejection of claims 8-9 and 11 as being unpatentable over Eerola in view of Robertson

As discussed above and admitted by the Office, Eerola does not teach or suggest a payment authorization system as required by claim 1 upon which claims 8,9 and 11 depend. Further, the Office admits that Eerola does not teach a notification system. In the Office Action, the Office states, "Robertson teaches a system for providing electronic multi-merchant gift registry using a wireless phone, including a notification system and a payment authorization system [0028]; [0065]; [0071]." Respectfully, the undersigned has reviewed Robertson and does not find a discussion of notification and payment authorization using a wireless phone. Further, the paragraph numbers provided by the Office are useless and appear to be misplaced as the Robertson reference does not include paragraph numbers? Accordingly, the undersigned submits that it would not have been obvious to utilize the notification and payment

authorization systems described in Robertson with the teachings of Eerola as there is no suggestion or motivation found within these references or any other reference to combine the mobile platform communications system of Eerola with the web-based gift registry notification system of Robertson. As such, the undersigned further submits that claims 8, 9 and 11 are allowable over the cited references.

Rejection of claim 10 as being unpatentable over Eerola in view of Robertson and further in view of Wells et al.

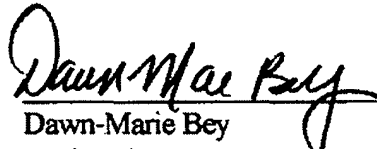
Claim 10 is dependent on independent claim 1, and is allowable for the reasons stated above.

CONCLUSIONS

For the reasons set forth herein, the undersigned submits that the claims are allowable over the cited art and respectfully requests a notice of allowance to this effect. Should the Office feel that contacting undersigned will expedite prosecution, please do not hesitate to do so at the number provided below.

Respectfully submitted,

Date: 10/9/04
KILPATRICK STOCKTON LLP
607 14th Street, N.W., Suite 900
Washington, D.C. 20005
(202) 508-5846
T0091/248312
WSHLIB01:197139


Dawn-Marie Bey
Registration No. 44,442